



city council minutes

MINUTES
September 19, 2017 * 6:30 p.m.
Regular Session

The Belle Isle City Council met in a Regular session on September 19, 2017 at 6:30 p.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Lydia Pisano
Vice Mayor/Commissioner Harvey Readey
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Bobby Lance
Commissioner Lenny Mosse
Commissioner Sue Nielsen

Absent was:

Also present was Attorney Ton Callan, City Manager Bob Francis, Chief Laura Houston and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm and the City Clerk confirmed quorum. Comm Mosse gave the invocation and led the Pledge to the flag.

RECOGNITION OF VOLUNTEERS

Mayor Pisano recognized a group of Cornerstone Charter Academy young students for helping the community by volunteering and giving out ice and water to the residents and utility workers, during Hurricane Irma. In addition she recognized Ashley Dykes from the Maitland Little League for their generous contribution of ice and the Church of Jesus Christ of Latter-day Saints Bishop Tim Walker for providing volunteers to help our community

Mayor Pisano asked Council for a motion to pull item e to read and present the Neonatal Intensive Care Awareness Proclamation.

Comm Gold motioned to pull item 3 from the consent agenda for presentation.

Comm Lance seconded the motion, which passed unanimously.

SECOND PUBLIC BUDGET HEARING AND ADOPTION

Mayor Pisano opened for public comment on the second reading and adoption of the 2017-2018 Annual Budget. There being none she closed public comment and opened for Council discussion and adoption.

City Manager Francis read for the record, the City Council of the City of Belle Isle hereby adopts, establishes and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Belle Isle for the Fiscal Year beginning October 1, 2017 and ending on September 30, 2018, at the rate of 4.4018 mills (\$4.4018 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of Belle Isle, Florida. This millage rate is more than the rolled-back rate, as computed pursuant to §200.065(1), Florida Statutes, of 4.1918 mills. Current year proposed rate as a percentage change of rollback rate 5.01%.

Comm Weinsier noted for the record that he would like to have Council consider amending the budget, in the future, to repair the drainage issue at Wind Drift and other areas throughout the City.

Vice Mayor Readey motioned to adopt the 2017-2018 Budget as presented.

Comm Nielsen seconded the motion, which passed unanimously upon roll call 7:0,

Comm Nielsen, aye

Comm Mosse, aye

Comm Lance, aye

Comm Weinsier, aye

Comm Readey, aye

Comm Carugno, aye

Comm Gold, aye

RESOLUTION NO. 17-20 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ESTABLISHING THE AD VALOREM TAX LEVY UPON ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS OF THE YEAR 2017.

Comm Lance motioned to adopt Resolution 17-20 as presented.

Comm Nielsen seconded the motion, which passed unanimously upon roll call 7:0,

Comm Nielsen, aye

Comm Mosse, aye

Comm Lance, aye

Comm Weinsier, aye

Comm Readey, aye

Comm Carugno, aye

Comm Gold, aye

RESOLUTION NO. 17-21 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ADOPTING THE ANNUAL BUDGET OF THE CITY OF BELLE ISLE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018.

Comm Nielsen motioned to adopt Resolution 17-21 as presented.

Comm Mosse seconded the motion, which passed unanimously upon roll call 7:0,

Comm Nielsen, aye

Comm Mosse, aye

Comm Lance, aye

Comm Weinsier, aye

Comm Readey, aye

Comm Carugno, aye

Comm Gold, aye

RESOLUTION NO. 17-22 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ADOPTING THE FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2022.

Comm Weinsier motioned to adopt Resolution 17-22 as presented.

Comm Gold seconded the motion, which passed unanimously upon roll call 7:0,

Comm Nielsen, aye

Comm Mosse, aye

Comm Lance, aye

Comm Weinsier, aye

Comm Readey, aye

Comm Carugno, aye

Comm Gold, aye

CONSENT ITEMS

- a. Approval of the Special Called Session minutes for September 13, 2017
- b. Proclamation: State of Emergency (Irma)
- c. ORDINANCE NO. 17-13 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, ESTABLISHING AN IDLE SPEED, NO WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY ON THE CONWAY CHAIN OF LAKES; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR AN OPERATION STANDARD FOR THE BOATS, VESSELS, AND WATERCRAFT IN THE IDLE SPEED, NO WAKE ZONE; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- d. ORDINANCE NO. 17-14 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, BANNING OUTDOOR FLAMES AND BURNING IN THE CITY AND DECLARING AN EMERGENCY.
- e. Proclamation: September 2017 as Neonatal Intensive Care Awareness Month

Attorney Callan recommended that Council pull Item c for discussion.

Comm Gold motioned to pull Ordinance 17-13 for discussion.

Comm Nielsen seconded the motion, which passed unanimously 7:0.

Mayor Pisano called for a motion to approve Items a, b and d from the Consent Agenda.

Comm Gold motioned to approve Items a, b and d as presented.

Comm Mosse seconded the motion, which passed unanimously 7:0.

Attorney Callan recommended the following changes to ordinance 17-13,

Page 2 – Section 8 reads as follows, “Effective Date. This Ordinance shall be in effect immediately on passage by the City Council by at least by a two-thirds vote of the governing body, and as otherwise provided by law. Further, this Ordinance will be filed with the Florida Fish and Wildlife Commission upon passage.”

Should read, “Effective Date. This Ordinance shall be in effect immediately on passage by the City Council by at least ~~by~~ two-thirds vote, and as otherwise provided by Florida law, vote of the governing body, and as otherwise provided by law. Further, this Ordinance will be filed with the Florida Fish and Wildlife Commission upon passage.”

City Manager Francis said the Ordinance will be in effect until the Lake levels are lowered or rescinded by Council.

Comm Lance motioned to adopt Ordinance 17-13 as amended.

Comm Carugno seconded the motion, which passed unanimously 7:0.

CITIZEN COMMENTS

1. Ray Vause residing at 2427 Nela Avenue shared his heartfelt thanks to Officer Major Garvin for his service to his family during an alarm indicating that his garage door had been opened. He thanked Officer Garvin for doing a job most of us can't do and for ensuring that no one was in the house.
2. Debra Dunham residing at 6904 Seminole Drive asked who would be responsible for trimming branches of a tree overhanging by the neighbor's property. Attorney Callan said this is a private matter between her and her neighbor.

APPROVAL OF THE CITY ATTORNEY CONTRACT AND APPOINTMENT OF CITY ATTORNEY

City Manager Francis said at the September 13 Special Council meeting, Council interviewed three firms and voted to hire Fishback Dominick Law Firm as the City Attorney. The agreement for approval satisfies the terms of the proposal.

Comm Carugno motioned to approve the contract of the City Attorney and appoint the law firm of Fishback Dominick as the Belle Isle City Attorney.

Comm Mosse seconded the motion, which passed unanimously 7:0.

ORDINANCE 17-07 - SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA DESIGNATING THE CITY OF BELLE ISLE AS A BIRD SANCTUARY; SPECIFYING UNLAWFUL ACTS; AMENDING CHAPTER 4, SECTION 4-1 OF THE BELLE ISLE MUNICIPAL CODE PROVIDING FOR PRESERVATION OF WETLANDS AND THE CONWAY CHAIN OF LAKES WITHIN THE CITY; ESTABLISHING RESPONSIBILITIES OF CERTAIN CITY DEPARTMENTS; PROHIBITIVE ACTIVITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

City Manager Francis stated in accordance with Florida Administrative Rule the ordinance is required to have the City become a Bird Sanctuary. Upon approval it will be submitted to the FWC for approval at their January 2018 meeting.

Comm Nielsen motioned to adopt Ordinance 17-07 second reading and adoption.

Comm Lance seconded the motion, which passed unanimously 7:0.

ORDINANCE: 17-10 – SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING AIRPORT ZONING REGULATIONS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 44, COMMUNICATION TOWERS, TO CREATE ARTICLE V, AIRPORT ZONING REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Francis stated in accordance with Florida Statute Chapter 333 which states if a City is located by an airport it will have to adopt certain regulations. The City has passed a resolution and an inter local agreement with the Greater Orlando Aviation Authority. In addition, the Planning and Zoning Board has recommended approval by Council of the Ordinance.

Comm Carugno motioned to adopt Ordinance 17-10 second reading and adoption.

Comm Gold seconded the motion, which passed unanimously 7:0.

ORDINANCE 17-11 - FIRST READING AND CONSIDERATION

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING SECTION CHAPTER 30, ARTICLE III, SECTION 30-74 (B) RELATING TO FINES BY INCREASING THE FINE FOR PARKING VIOLATIONS; SECTION 30-76 (B) AND SECTION 30-76 (C) RELATING TO FINES AND HEARINGS INCREASING THE HEARING AND DELINQUENT FEE; SECTION 30-77 (B) RELATING TO IMPOUNDMENT ORDER TO PAY CITATIONS; SECTION 30-105 PENALTIES INCREASING THE FINE FOR COMMERCIAL VEHICLES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Manager Francis said the \$35.00 parking fine was not a deterrent to stop parking in certain areas. This ordinance changes certain sections of the municipal code to reflect that the fee will increase to \$150.00 which will act as more of a deterrent. The ordinance also states when a fine is issued and vehicle is impounded the individual will have to pay for the code violation before getting the vehicle out of impound.

Comm Gold motioned to approve Ordinance 17-11 to second reading and adoption.

Comm Nielsen seconded the motion, which passed unanimously 7:0.

ATTORNEY REPORT

Discuss/Approve City of Belle Isle-Comins Development Settlement Agreement

Attorney Callan presented a redlined Settlement Agreement addressing some concerns by Attorney Miranda Fitzgerald and the City. Attorney Callan pointed out, for clarification, if the City Council fails to approve the Settlement Agreement or the Planned Development Ordinance, than this proceeding shall continue pursuant to Section 70.51 Florida Statutes, and a hearing will be schedule before the Special Magistrate appointed in this matter. Attorney Callan gave an overview of the redlined changes. The project is a group of town homes going from twelve to nine; has a break from the three groups of three and tree placement to break up the visual from the Lake. The issues were addressed with regards to access parking and boat dock revisions. The townhomes are a minimum of 2,000 sq ft with a two car garage, private-fee simple home totaling approximately \$500,000 per unit. Attorney Callan recommended approval of the Settlement Agreement as revised.

City Manager Francis said they had a very successful mediation; however, is concerned that he received edits from Attorney Fitzgerald late this afternoon as does not feel there was enough time to review the “substantive changes” to the agreement. He recommends the City Council table the motion until the next meeting to allow for a clean copy to be distributed for review by Council and staff.

Attorney Randi Fitzgerald from Lowndes, Drosdick, Doster, Kantor & Reed, P.A. gave a copy of the updated Settlement Agreement with the architectural renderings with the changes as referenced by City Manager Francis. She said she agrees with Attorney Callan’s comments and gave an overview of substantive changes as follows,

1. Exhibit A shows parallel parking on both sides of the pool. The draft had an estimate of 18-20 parking spaces. They have since received the engineering report and have found that they can have 18-22 spaces by changing parallel to angle parking; and
2. The mooring at the fishing piers will be 1 hour per vessel.

Comm Carugno asked what the big push is for a PD from an R1. Attorney Fitzgerald said a PD is an opportunity to create a site specific zone and not bound to the restrictions that apply to a traditional zoning classification. The Council can also ask for certain things that may not be allowed in conventional zoning; it creates flexibility. The project is allowed in the current zoning however the City would not have been happy with the product. The result is much better with a PD and will allow for town homes instead of duplexes. Attorney Callan said a PD allows for greater setbacks, better building groupings, architectural renderings and modified landscaping plans.

After discussion, Comm Carugno moved to table the application to allow the City Attorney to make the final changes and provide Council and City staff time to review a final document in its entirety.

Attorney Callan stated that a motion was not necessary. Council consensus was to have the City Attorney bring forward a final document with all the revisions as discussed for review and approval.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Bob Harrell residing at 2800 Trentwood Blvd said although he has been opposed to the project, the PD zoning gives a lot of control to the City. With that said, does Council get to approve the final plan. Attorney Callan said it would have to go back to first reading for Council review and approval. For the record, Mr. Harrell said he does like the new elevations.
- Phil Price residing at 7440 Daetwyler Drive asked if the Boat Dock is a separate issue from the PD. Attorney Callan stated that the location and length of the boat dock is subject to permitting by the City of Belle Isle.

CITY MANAGER’S REPORT

- City Manager Francis said the City will be moving along with many of the projects and drainage issues that came to light during the Hurricane and heavy rains.
- He wanted to make it more formal at another date; however, he thanked City staff, Police Department, First responders, Duke Energy and the citizens of Belle Isle for their patience and sense of community.
- Chief Houston reported that they have hired the Community Service Officer for the Charter School
- He said there were 14 officers on duty during the Hurricane and thanked the community for helping the officers make this a much more pleasant event.

MAYOR’S REPORT

Mayor Pisano thanked Pete Madison and his crew for their assistance picking up all the debris throughout the City. In addition, she thanked City Manager Francis and staff for their hard work. Council further discussed areas not serviced. The City Manager said he would send out an E-alert with an update on debris cleanup.

COUNCIL REPORTS

Council thanked the City Manager, Public Works, Police Department and staff for the coordinated effort through, during, and after the Hurricane. In addition, they thanked Attorney Callan and Attorney Kruppenbacher for all the good work personally and professionally.

Comm Gold – District 1

- Comm Gold asked if the curb inlet baskets going to be removed until the storm is over. City Manager Francis said yes.

Comm Weinsier – District 3

- Council recognized Mayor Pisano for the huge amount of personal effort in helping with the Texas effort and the City.
- He announced the Pine Castle Historical Society will be having a BBQ Beer and Barn Dancing on Friday, October 6 from 6-9pm.

Comm Lance – District 4

- Comm Lance reported drainage issues at 1708 Pam Circle.

Adjournment

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 7:25 p.m.

Yolanda Quiceno
CMC, City Clerk